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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,054

09/12/2003

Thomas Kheng G. Peh

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AGILENT TECHNOLOGIES, INC.

Legal Department, DL429

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EXAMINER

QUINTO, KEVIN V

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,054

Applicant(s)

PEH, THOMAS KHENG G.

Examiner

Kevin Quinto

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10 and 19 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12 January 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 11-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 19, 2004.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5, 6, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishinaga (USPN 6,355,946 B1).

Art Unit: 2826

5. In reference to claim 1, Ishinaga (USPN 6,355,946 B1) discloses a similar device. Figures 1-4 and 5-11 of Ishinaga illustrate different embodiments of an integrated optical emitter device with a substrate (1A). An emitter (3A) is mounted to the substrate (1A). A molded cup (5) surrounds the emitter and is bonded to the substrate (1A). A molded encapsulation layer (50) is bonded to the molded cup (5).

6. In reference to claim 3, the emitter (3A) is a surface-emitting diode.

7. With regard to claim 5, the molded cup (5) is at least semi-reflective (column 5, lines 11-12).

8. With regard to claim 6, the encapsulation layer (50) inherently meets this claim since it transmits light perpendicular to the substrate (1A).

9. In reference to claim 9, Ishinaga discloses that the encapsulation layer is made of transparent epoxy (column 4, lines 25-29)

10. With regard to claim 10, figures 7 and 8 of Ishinaga meet this limitation.

11. Claims 1, 2, 3, 5, 6, 7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsubara et al. (USPN 6,642,547 B2).

12. In reference to claim 1, Matsubara et al. (USPN 6,642,547 B2, hereinafter referred to as the "Matsubara" reference) discloses a similar device. Figures 7A, 7B, 7C, 7D, 10A, and 10B of Matsubara each illustrate an integrated optical emitter device with a substrate (3). An emitter (5) is mounted to the substrate (3). A molded cup (8) surrounds the emitter (5) and is bonded to the substrate (3). A molded encapsulation layer (7) is bonded to the molded cup (8).

Art Unit: 2826

13. With regard to claim 2, Matsubara makes it clear that the substrate (3) is a printed circuit board (column 7, lines 36-40).

14. In reference to claim 3, the emitter (5) is a surface-emitting diode.

15. In reference to claim 5, the cup (8) is at least semi-reflective (column 7, lines 20-30).

16. With regard to claim 6, the encapsulation layer (7) inherently meets this claim since it transmits light perpendicular to the substrate (3).

17. With regard to claim 7, the encapsulation layer (7) has an elliptical shape as seen in figures 7A, 7B, 7C, 7D, 10A, and 10B.

18. With regard to claim 9, the encapsulation layer (7) is formed from clear epoxy (column 7, lines 48-50).

19. In reference to claim 10, Matsubara discloses that the molded cup (8) may also have a plurality of discrete transitions (column 8, lines 47-60).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishinaga (USPN 6,355,946 B1) in view of Fukasawa et al. (USPN 6,638,780 B2).

Art Unit: 2826

22. In reference to claim 4, Ishinaga discloses that the encapsulation layer is made of molded epoxy (column 4, lines 25-29) but does not discuss using epoxy for the reflective cup. However the use of epoxy as a reflective cup is well known in the art. Fukasawa et al. (USPN 6,638,780 B2, hereinafter referred to as the "Fukasawa" reference) discloses the use of a reflective epoxy cup in conjunction with a transparent epoxy material in an LED (column 2, lines 46-51, 67 and column 3, lines 1-4) helps to avoid defects related to the adhesion process such as damage to bonding wires, and peeling of the LED (column 1, lines 40-43). In view of the benefits disclosed by Fukasawa, it would therefore be obvious to use epoxy as the material for the reflective cup in Ishinaga.

23. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara et al. (USPN 6,642,547 B2) in view of Fukasawa et al. (USPN 6,638,780 B2).

24. In reference to claim 4, Matsubara discloses that the encapsulation layer is made of molded epoxy (column 7, lines 48-50) but does not discuss using epoxy for the reflective cup. However the use of epoxy as a reflective cup is well known in the art. Fukasawa (USPN 6,638,780 B2) discloses the use of a reflective epoxy cup in conjunction with a transparent epoxy material in an LED (column 2, lines 46-51, 67 and column 3, lines 1-4) helps to avoid defects related to the adhesion process such as damage to bonding wires, and peeling of the LED (column 1, lines 40-43). In view of the benefits disclosed by Fukasawa, it would therefore be obvious to use epoxy as the material for the reflective cup in Matsubara.

Art Unit: 2826

25. In reference to claim 19, Matsubara (USPN 6,642,547 B2) discloses a similar device. Figures 7A, 7B, 7C, 7D, 10A, and 10B of Matsubara each illustrate an integrated optical emitter device (5) mounted to a printed circuit board or PCB (3). A molded cup (8) surrounds the emitter (5) and is bonded to the PCB (3). A molded epoxy encapsulation layer (7) is bonded (column 7, lines 48-50) to the molded cup (8). Matsubara does not discuss using epoxy for the cup. However the use of epoxy as a reflective cup is well known in the art. Fukasawa (USPN 6,638,780 B2) discloses the use of a reflective epoxy cup in conjunction with a transparent epoxy material in an LED (column 2, lines 46-51, 67 and column 3, lines 1-4) helps to avoid defects related to the adhesion process such as damage to bonding wires, and peeling of the LED (column 1, lines 40-43). In view of the benefits disclosed by Fukasawa, it would therefore be obvious to use epoxy as the material for the reflective cup in Matsubara.

Allowable Subject Matter

26. Claims 8 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

27. The following is a statement of reasons for the indication of allowable subject matter: the examiner is unaware of any prior art which suggests the use of an elliptical molded epoxy encapsulation layer with an LED that is bonded to a molded epoxy cup such that the elliptical shape reduces a difference in axis beam divergence from the LED.

Art Unit: 2826


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KVQ


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